

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		12/29/2016	ASAP
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
3. PHONE NO.:		KERN - DHS	
4. REGULATION CITE(S):		7. SUBJECT:	
7CFR 273.1(b)(7)(vi), 63-402.4, 63-402.2		RESIDENTS OF INSTITUTIONS AND MEAL OPTIONS	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references)	
Client resides in a facility that provides three meals a day (facility not exempt under the institutionalized eligibility regulations) as part of their normal services. The client chooses not to eat the meals provided and purchases their own food.		NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
Is this client eligible for CalFresh benefits if they are living in a facility which provides them with three meals a day regardless if they choose to eat at the facility or not?		Food Stamp Act section 3(g), FNS Northeast Region Director Memo dated 11/7/2005	
If the client has no income and refuses the free meals provided by the facility are they eligible for CalFresh?			

10. REQUESTOR'S PROPOSED ANSWER:

No, these clients are not eligible for CalFresh benefits. Under federal and state regulations of institutionalized residents, clients residing in a facility in which they are provided with three meals a day as part of their normal service are by law ineligible for CalFresh benefits regardless if they choose to eat the meals provided to them or not.

The facility must meet one of the institutionalized resident exemptions under 63-402.4 for individuals living in those facilities to be eligible for CalFresh benefits.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

CDSS agrees with the proposed response based on the scenario outlined.

Federal regulation at 7 CFR 273.1(b)(7)(vi) and State regulation at MPP Section 63-402.4 provide that individuals must be considered residents of institutions when the institution provides them with the majority of their meals (over 50% of three meals daily) as part of the institutions normal services. Resident of institutions are ineligible for CalFresh, unless they meet one of the institutionalized resident exemptions.

The FNS Northeast Region Director Memo dated November 7, 2005 was in response to questions regarding residents of institutions who elect to receive the majority of their meals through an institution's option meal plan. (continued next page)

FOR CDSS USE

DATE RECEIVED:

12/29/16

DATE RESPONDED TO COUNTY/ALJ:

AF 1/30/2017

CALFRESH (CF) PROGRAM **REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

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	6. COUNTY/ORGANIZATION:	
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2. REQUESTOR NAME: 3. PHONE NO.: 4. REGULATION CITE(S):	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s).	

The memo addresses a scenario in which the meal plan offered by the institution is not mandatory nor provided by default to all residents. The memo clarifies that if an individual living in an institution with an optional meal plan chooses to receive the majority of their meals via the institution's meal plan the individual will be considered a resident of an institution and not eligible for CalFresh. If the same individual chooses to purchase and prepare their own food instead of receiving the majority of their meals through the institution's optional meal plan, the individual would not be considered a resident of an institution and would be eligible for CalFresh.

The guidance was not intended to give all individuals who meet the definition of a "resident of an institution" the choice to opt out of an institution's meal plan if the meal plan is provided by default to all residents as part of normal service. In the scenario described above, more than 50% of three daily meals are provided to all residents – it is not an optional meal plan. Such an individual would be considered a resident of an institution and would be ineligible for CalFresh, regardless of whether they make the choice not to eat the meals provided.